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03-20-03

Patent
Attorney's Docket No. 001560-396

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Kengo AKIMOTO et al) Group Art Unit: 1651
Application No.: 09/807,541) Examiner: Kailash C. Srivastava
Filed: April 13, 2001) Confirmation No: 7683
For: MICROORGANISMS THAT)
EXTRACELLULARLY SECRETE)
LIPIDS AND METHODS OF)
PRODUCING LIPID AND LIPID)
VESICLES ENCAPSULATING)
LIPIDS USING SAID)
MICROORGANISMS)

DEPOSIT DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Nobutada Šaji, hereby declare as follows:

1. I am a representative of Suntory Ltd., the assignee for the above-identified application.
2. That *Mortierella elongata* SAM 0219 was deposited at the Fermentation Research Institute, Agency of Industrial Science and Technology, 1-3, Higashi 1 chome, Tsukuba-shi, Ibaraki-ken, 305, Japan, as FERM BP-1239.
3. That *Mortierella alpina* SAM 2241 was deposited at the National Institute of Science and Human-Technology, Agency of Industrial Science and Technology, 1-3, Higashi 1 chome, Tsukuba-shi, Ibaraki-ken, 305-8566, Japan, as FERM BP-7272.

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4. That the depositories recited in paragraphs 2 and 3 afford permanence of the deposit and ready accessibility thereto by the public if the patent is granted.

5. That all restrictions on the availability to the public of the deposited material recited in paragraphs 2 and 3 will be irrevocably removed upon the granting of a patent.

6. That the material has been deposited under conditions that assure that access to the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122.

7. That the deposited material recited in paragraphs 2 and 3 is maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism, and in any case for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer.

8. That the deposited material recited in paragraphs 2 and 3 will be replaced if it should become inviable during the time specified in paragraph 7.

9. I further declare that I am aware that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and my jeopardize the validity of any patent application or any patent issuing thereon. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true.

Date

Nobutada Saji, President
SUNTORY LIMITED